REMARKS

Claims 1-20 are presently pending in this application. Claims 1-8 have been amended to more particularly define the claimed invention. Claims 9-20 have been added to claim additional features of the claimed invention.

It is noted that the amendments are made only to more particularly define the invention and **not** for distinguishing the invention over the prior art, for narrowing the scope of the claims, or for any reason related to a statutory requirement for patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 3-4 and 7-8 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 3-4 and 7-8 have been amended in a manner believed fully responsive to all points raised by the Examiner.

Claims 1-4 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Danna, U.S. Pat. No. 5,221,021.

Claims 5-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Danna, U.S. Pat. No. 5,221,021, further in view of Benjey et al., U.S. Pat. No. 6,298,540.

These rejections are respectfully traversed in view of the following discussion.

I. APPLICANT'S CLAIMED INVENTION

The claimed invention (as defined, for example, by independent claim 1) is directed to a fuel tank structure, including a display portion of a working position for locating a waste fuel hole, the display portion being provided at a lowest outer surface of a tiered-bottom fuel

tank in correspondence with a fuel remaining portion.

Conventionally, during the process of draining fuel from scrapped vehicles it is very expensive and time consuming to locate the bottom of a fuel tank and/or the chamber module formation that includes the fuel pump unit in order bore a fuel draining hole to completely drain out the remaining fuel. (Application at page 1, lines 17-23, and page 3, lines 2-10.)

The claimed invention (e.g., as recited in claim 1), on the other hand, includes *a display portion provided at a lowest outer surface of a tiered-bottom fuel tank* for providing a visual location indicator of the lowest portion of a tiered-bottom, or a saddle type fuel tank for completely draining any remaining fuel from the fuel tank. (Application at page 3, lines 13-19.)

II. THE ALLEGED PRIOR ART REJECTIONS

A. 35 U.S.C. § 102(b) Rejection over Danna, U.S. Pat. No. 5,221,021

The Examiner alleges that Danna, U.S. Pat. No. 5,221,021, (Danna), teaches the invention of claims 1-4.

Applicant submits, however, that Danna does not teach or suggest, "*a display portion provided at a lowest outer surface of a tiered-bottom fuel tank.*"

Danna teaches a fuel tank having a single flat bottom (Fig. 4) for integrally mounting a positioning surface 32 having an entrance 58. Danna also teaches with respect to the position surface 32, that the fuel tanks shown in the embodiments of Figs. 5-7 and existing fuel tanks **may not include the positioning surface 32**:

> FIGS. 5-7 illustrate an alternative embodiment of the present invention for use in existing fuel tanks. A [sic] existing fuel tank may not include positioning surfaces for aligning and retaining the reservoir. In this circumstance, reservoir

> 16' is shaped to mate with the interior surface of fuel tank 12'. (Emphasis added.) (Column 4, lines 56-61.)

Therefore, Danna fails to teach or suggest *a tiered-bottom fuel tank* to which *a display portion* is *provided at a lowest outer surface* thereof.

Therefore, Applicant respectfully requests Examiner to reconsider and withdraw this rejection since the alleged prior art reference fails to teach or suggest each and every element and feature of Applicant's claimed invention.

B. 35 U.S.C. § 103(a) Rejection over Danna, U.S. Pat. No. 5,221,021 further in view of Benjey et al., U.S. Pat. No. 6,298,540

The Examiner alleges that Danna, U.S. Pat. No. 5,221,021, (Danna), further in view of Benjey et al., U.S. Pat. No. 6,298,540, (Benjey), teaches the invention of claims 5-8.

Applicant submits, however, that Danna in view of Benjey does not teach or suggest, "*a display portion provided at a lowest outer surface of a tiered-bottom fuel tank.*"

Benjey teaches a fuel tank having a flat lower bottom surface, see Figs. 1-5. Nowhere in Benjey is there any teaching or suggestion that the fuel tank is configured in as *a tiered-bottom fuel tank*.

Further, the Examiner alleges that one of ordinary skill in the art would have been motivated to modify Danna with the teaching from Benjey to form the invention of claims 5-8. However, these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Applicants submits that Danna would not have been combined with Benjey as alleged by the Examiner. Indeed, these references are non-analogous because they are completely unrelated. (Danna is directed to a reservoir having a resilient portion that biases against a first

and second fuel tank walls without the need for mechanical fasteners. Benjey is directed to a combination rollover/vent valve, fuel pump and fuel level sender.) No person of ordinary skill in the art would have considered combining these disparate references, absent impermissible hindsight.

In fact, the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner. The Examiner provides improper motivation by stating that "it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the bead portion of Danna [positioning surface 32] to have multiple noncontinous portions as taught by Benjey et al. so as to provide an alternative bead arrangement."

There is no motivation or suggestion in Benjey, Danna or elsewhere provided by the Examiner, to combine the ratched surfaces 38 of Benjey with the reservoir positioning surface 32 of Danna such that the reservoir position surface 32 of Danna would be modified to have *a plurality of non-continuous bead portions*. The round geometry of positioning surface 32 of Danna is completely different from the laterally spaced ratcheting surfaces 38 of Benjey (best shown in Fig. 2).

Furthermore, the Examiner fails to provide proper motivation by merely stating, "so as to provide an alternative bead arrangement."

Therefore, one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner.

With respect to the rejection of Applicant's claims 5-8, Danna would not have been combined with Benjey and even if combined, the combination would not teach or suggest each and every element of the claimed invention, since Danna, as pointed out above, fails to

would not teach or suggest each and every element of the claimed invention, since Danna, as pointed out above, fails to teach or suggest, "*a display portion provided at a lowest outer surface of a tiered-bottom fuel tank*." Benjey fails to overcome the deficiencies of Danna.

Benjey fails to teach or suggest any *display portion* whatsoever, (the ratchet surfaces are internal to the fuel tank and provide no *display portion* capable of being viewed from the exterior of the fuel tank), nor does Benjey teach or suggest *a tiered-bottom fuel tank*.

Therefore, Applicant respectfully requests Examiner to reconsider and withdraw this rejection since the alleged prior art reference fails to teach or suggest each and every element and feature of Applicant's claimed invention.

C. Newly Added Independent Claims 9 and 17 with Respect to the Applied Prior Art References

With respect to Applicant's newly added independent claims 9 and 17, the applied prior art references or any combination thereof fail to teach or suggest:

"*a display portion of a working position for locating a waste fuel hole, the display portion provided on at least one bottom outer surface of* ***a saddle type fuel tank*** *in correspondence with a fuel remaining portion*," of claim 9, and

"*two display portions of two working positions for locating two waste fuel holes, the two display portions provided on two bottom outer surfaces of* ***a saddle type fuel tank*** *in correspondence with at least one fuel remaining portion*," of claim 17.

Therefore, none of the cited prior art references nor any alleged combination thereof teach or suggest *a display portion of a working position provided on the bottom outer surface of a saddle type fuel tank*, as recited in newly added claims 9-20.

III. FORMAL MATTERS AND CONCLUSION

Applicant request that the Examiner acknowledge receipt of the priority document filed on May 20, 2004.

In view of the foregoing, Applicant submits that claims 1-20, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: June 23, 2006

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